

STATE OF DELAWARE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
COMMISSION FOR STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT OF INDIVIDUALS WITH  
DISABILITIES

July 16, 2018

ISSUED BY: COURTNEY MCCARTY  
STATE CONTRACT PROCUREMENT SUPERVISOR  
302-857-4557

SUBJECT: **DESIGNATION NOTICE**  
**CERTIFICATION NO. HSS18763-CNA**  
**CENTRAL NONPROFIT AGENCIES**

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## KEY INFORMATION

### 1. CONTRACT PERIOD

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Each CNA's designation shall be for a three-year period, after which they may apply to renew its designation for another three years.

### 2. CNA DESIGNATION LIST

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CNA Information	Designation Expiration
Ability Network of Delaware	07/16/2021

### 3. COMMISSION CONTACT

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Information regarding the Commission can be found online at: <http://www.dhss.delaware.gov/dhss/dvi/sulc.html>. Questions can be directed to Michele Hamilton at [Michele.hamilton@state.de.us](mailto:Michele.hamilton@state.de.us).

### 4. CNA DUTIES

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The responsibilities of the CNAs shall include, but not be limited to, the following:

- Recruiting and assisting CRPs in developing and submitting proposals for Set Aside contracts for suitable products and services;
- Facilitating the distribution of subcontracts among CRPs;
- Managing and coordinating the deliverables of service under Set Aside contracts, including quality assurance and general administration of subcontracts with CRPs;
- Handling complaints and ongoing customer relations with agencies of this State;
- Educating and training CRPs to improve the quality and cost-effectiveness of services described in Set Aside contracts;
- Promoting the increase in supported employment opportunities for persons who are visually impaired or who have other disabilities;
- Marketing products and services to potential consumers;
- Researching and developing products and services;
- Producing content that the Commission may consider for inclusion in its annual report and in other public relations materials or submitting information to the Commission that may be included in the Commission's annual report;
- Preparing accurate purchase orders and invoices for those Set Aside contracts mentioned by the CNA;
- Making payments to CRPs in a timely manner; and
- Other duties as designated by the Commission.

## 5. SET-ASIDE CONTRACTS REQUESTS

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- a. All Set Aside contract requests submitted by a CRP, its designed CNA, or both, if applicable, must provide all relevant information required by the Commission.
- b. Agencies and community service providers who desire to participate in Set Aside contract requests need to provide verification that they are a CRP as defined by Delaware law. A CNA is responsible for ensuring that CRPs with which it subcontracts meet the requirements for participation.
- c. When a CNA or a CRP wants to develop and research a new product or service for a Set Aside contract, the CNA or CRP may submit to the Commission a "Request for Assignment." The form set forth in [16 Del. Admin Code § 9102-9.0](#) must be used when requesting an assignment.
- d. The period allowed for developing the new product or service should not exceed twelve (12) months.
- e. At the end of a development period, the CNA or CRP must present the assigned product or service to the Commission for its consideration as a Set Aside contract. If the CNA or CRP does not request a Set Aside contract at that time, then the CNA or the CRP may request a time extension. If a CNA or a CRP requests a time extension, the Commission may approve a six-month extension by a majority vote at a regularly-scheduled and convened meeting and shall document such granted time extension.
- f. In keeping with the scope and purpose of 16 Del.C. Ch. 96, the Commission, designated CNAs, and any CRPs assigned to a Set Aside contract must assure that persons who are visually impaired or who have other disabilities as defined by the Americans with Disabilities Act of 1990 (ADA) will perform 75% of all direct labor for service-based contracts and 50% of all direct labor for product-based contracts. A phase-in plan may be requested by the CNA or the CRP, and any such approved phase-in plan will start at 25% less than the direct labor requirements, with that percentage increased to the required minimum standards as soon as possible, but no less than eighteen (18) months into the term of the Set Aside contract.
- g. The Commission will typically consider products or services proposed to it if the price of the product or service is within 10% or less of the amount the State is currently paying, or if the price is 10% or less than or within the fair market value.
- h. If two CRPs or CNAs request a Set Aside contract for the same service or product at the same time, the Commission will determine which agency is best prepared to provide the service or product by evaluating each CNA based on criteria delineated in [16 Del. Admin Code § 9102-3.1 & 3.2](#) and by evaluating each CRP based on the criteria delineated in [16 Del. Admin Code § 9102-4.1](#).

## 6. INFORMATION FOR A SET-ASIDE CONTRACT

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- a. The designated CNA and CRP must provide the following information when requesting a Set Aside contract for a particular product or service:
  - 1) A copy of a specification or a clear description of the product or service, including samples of products, when appropriate.
  - 2) A verification of the fair market value and employment impact, which may include:
    - a) Obtaining the most recent state bidding or award information;
    - b) Providing commercial or competitive price information; and
    - c) Identifying the anticipated number of people who will be employed by the Set Aside contract.
- b. Based on a majority vote, and after it has assured itself that the designated CNA and/or CRP has provided it with all of the necessary information, the Commission will review and respond to the CNA and/or CRP regarding the acceptability of the proposal for a Set Aside contract.

## **7. APPROVED SET-ASIDE CONTRACTS**

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- a. To approve a Set Aside contract request, the majority of the members present at two properly-noticed and convened public meetings of the Commission must vote upon the request. If the request is deemed to be an urgent circumstance, the majority of the Commission members may vote to waive the waiting period and may approve the Set Aside contract request at one properly-noticed and convened public meeting.
- b. Once the Commission has approved a Set Aside contract, it shall notify in writing GSS and the CRP, CNA, or both regarding the approval and provide to GSS a copy of the Set Aside contract.
- c. GSS shall add the approved Set Aside contract to the procurement list of products and services and shall publish the procurement list on the State's "My Marketplace" website portal or on any other state electronic procurement advertising system.
- d. The Commission, a CNA, a CRP, or GSS may recommend that a product or service be removed from the procurement list after the Commission has documented that the product or service is no longer needed. The removal of any product or service from the procurement list will depend on an analysis provided by GSS and on GSS' protocols for making such changes.
- e. Set Aside Contract Promotion. In keeping with the scope and purpose of 16 Del.C. Ch. 96, the Commission may promote the purchase of products and services that are within approved Set Aside contracts and ensure that approved Set Aside contracts are published on the procurement list that is circulated to all State agencies and other government entities in the State of Delaware. The Commission, CRPs, and designated CNAs may monitor available spend data for State agencies to determine whether or not the products and services offered through the procurement list are procured from the Set Aside contract holder.

## **8. CHANGES TO AN ESTABLISHED SET ASIDE CONTRACT**

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- a. After an initial Set Aside contract has been established, the State or a CRP and/or its designated CNA may request the following changes:
  - 1) Price Changes and Modifications. The request must verify fair market value and employment impact by:
    - a) Providing written substantiation for a price modification;
    - b) Obtaining the most recent state bidding or award information;
    - c) Providing commercial or competitive price information;
    - d) Submitting a new cost analysis that highlights changes from the original Set Aside contract; and
    - e) Providing updated or new information on the number of people employed by the Set Aside contract.
- b. Transfer of Set Aside Contract. From time to time it may be necessary for a CNA or a CRP to cease performing a service or providing a product that is the subject of a Set Aside contract.
  - 1) If the contract is held by a CNA, the CNA may transfer the Set Aside contract to a different CRP as long as no modifications are made to the Set Aside contract. The CNA shall notify the Commission at its next regularly-scheduled meeting that the CNA has transferred the Set Aside contract to a different CRP.
  - 2) If the transfer of the Set Aside contract is from one CNA to another CNA, the transfer must be ratified by a majority vote of Commission members that are present at the next regularly-scheduled Commission meeting.
  - 3) If a CRP abandons a Set Aside contract or is unable to fulfill its contractual duties under a Set Aside contract, the CRP must immediately notify the Commission and Government Support Services.
  - 4) The transferring and receiving CRP and/or designated CNA must develop a detailed plan for the transfer of a Set Aside contract to ensure that there will be no disruption of service.

Transfer of a Set Aside Contract shall be complete as approved by the State Use Law Commission, with no transfer exceeding ninety (90) days. Any vendor(s) designated under this solicitation who does not respond to subsequent RFQ, or for any reason whatsoever is not awarded a subsequent designation that has active awards, either direct or through a CRP shall have a requirement to transition the contracts to the subsequently designated vendor(s) under successor contract as directed by the State Use Law Commission. During the transition period, outgoing vendor(s) shall perform in accordance with the terms and conditions of the award under which they were servicing.